

From: mattsimerson@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Call me old fashioned but shouldn't the punishment fit the crime? From a consumer perspective, I've been forced to pay for dozens of Microsoft licenses that I've never used and couldn't sell (OEM bundled) without challenging Microsoft lawyers. This is not a consumer friendly policy of Microsoft's and I couldn't blame Dell either because they were force fed that agreement in order to install a Microsoft OS on any of their systems. They further abused their monopoly with the bundling of IE with the OS that consumers were forced to purchase with their PC hardware.

Microsoft has been found guilty of abusing their monopolistic powers. In such a case the ideal sentence is one that will:

- a) compensate those affected by the abuse of power.
- b) prevent the occurrence of such abuse in the future.
- c) satisfy the general public's insistence that justice be served.

With these concerns in mind, I propose a two tiered solution. The first is compensation to those already affected by the abuse. It would be nearly impossible to determine a specific dollar amount to distribute to each abused consumer and then identify each consumer to compensate. Such a process would also require so much bureaucracy that it would negate the consumer's benefit. Instead, a dollar amount (\$x) should be determined that represents the amount of money Microsoft received from consumers through less than legal business practices. Since direct distribution of that sum to consumers is impractical, the money should be distributed in a fashion that will directly benefit consumers. There are several possibilities here but the ones I would prefer would not just punish Microsoft but enhance competition in the OS market.

1. My first suggestion is using (\$x) to fund alternate OS development. In the desktop OS market, Microsoft only has one real competitor and that's Apple Computer. Some fans of other OS's (myself included) would be quick to champion other OS's like Linux or FreeBSD but the facts are simple. Consumers can't walk into CompUSA and buy a machine running anything but a version of Windows or Mac OS. However, making Apple the sole benefactor of a Microsoft punishment would only benefit a small number of those affected by Microsoft's ill behavior. We have to keep in mind that our primary goal is not to simply punish Microsoft but actually encourage competition in the computer software industry and thus benefit consumers. With that goal in mind, I would recommend taking (\$x) and placing it into a trust. The trust's charter should be drawn up with the sole objective of encouraging the development of alternate operating systems for consumer desktops.

There are currently quite a few organizations that could benefit from having a big brother with deep pockets to assist them in their OS development work. A few examples of such organizations would be:

- Open Software Foundation for their work on the Mach microkernel.
(portable OS bootstrapping code)
- Central Michigan Univ.: Contributions to Mach and kernel portability
- Apple Computer: Sponsors of Darwin and Authors of Mac OS
- RedHat: Sponsors and distributors of Linux
- FreeBSD foundation: Sponsors of FreeBSD

There are quite a few other "stub" projects out there that have promise but these are the only projects that have had any impact at all on consumers. Each of the aforementioned companies has an OS that a consumer can install and use. Apple is the only one with a polished OS product the masses can use. RedHat and FreeBSD have stable OS platforms but their primary focus is on the server side. They would have an attractive alternative to Windows if they were financially enticed to do so.

2. The next issue to address is keeping Microsoft from abusing their monopoly in the future. There's a lot of potential for different ideas here but let's adopt a Keep It Simple S approach. One of the main advantages Microsoft has in the software marketplace is their OS monopoly status. A simple way to help negate this is mandate that all their software releases (for programs like Internet Explorer, Office, etc.) ship concurrently on each of the three most popular OS platforms. An example of this would be their next version of Microsoft Office or Windows Media Player would have to ship simultaneously for Windows, Mac OS, and Linux and include full interoperability between the OS platforms.

This mandate would accomplish a lot for the consumers. Microsoft has a knack for inventing or altering standards when they make something for Windows. If their software applications had to support other OS's, they'd have to either adopt the communities standards (a win for everyone) or make their alterations common across all platforms (and thus a new standard that the community can choose or ignore).

I think those two measures would impose a fair penalty upon Microsoft, allow them plenty of room to innovate and stripping them of their Monopolistic advantages. It will also leave the community with more choices.

Matt Simerson
397 4th Street
Atlanta, GA 30308

